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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,957	02/05/2004	Michael Thuma	3532	7358

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EXAMINER

DUNWIDDIE, MEGHAN K

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 10/773,957	Applicant(s) THUMA ET AL.	
	Examiner Meghan K. Dunwiddie	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 15 and 26-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-13,17 and 19-25 is/are rejected.
- 7) ☒ Claim(s) 2,4,14,16 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is a Non-Final Rejection in response to the amendment filed on September 9, 2005 by **Thuma** et al.

Election/Restrictions

1. Applicant's election with traverse of Species 1 in the reply filed on September 9, 2005 is acknowledged.

The requirement is still deemed proper and is therefore made FINAL.

2. Applicant's election of Species 1 in the reply filed on September 9, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

3. Claims 15 and 26-28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Species 2-6, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on September 9, 2005.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "object attached to the head member and body member" in Claim 4 and "the object attached to the head

member and a second object attached to the body member” in Claim 18 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3, 5-13, 17 and 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Altman** et al. (US 6004004) in view of **Coleman** et al. (US 2003/0067772).

8. Regarding Claim 1, **Altman** et al. shows a flashlight apparatus [Figure 1: (10)] comprising:

- A body member [Figure 1: (12)];
- A head member [Figure 1: (16)] including light-emitting means [Figure 2: (20)];
- A connecting member [See Figure 1] for connecting the head member [Figure 1: (16)] to the body member.

9. **Altman** et al. does not show:

- Attaching means for connecting an attachable and movable object to one of the body member or the head member and integrating the object with the body member or the head member.

10. **Coleman** et al. teaches:

- Attaching means [Figure 2: (24)] for connecting an attachable and movable object [Figure 2: (26)] to one of the body member [Figure 1: (10)] or the head member [Figure 1: (12)] and integrating the object [Figure 2: (26)] with the body member [Figure 1: (10)] or the head member [Figure 1: (12)].

Art Unit: 2875

11. It would have been obvious for one of ordinary skill in the art, at the time of the invention to include attaching means for connecting an attachable object as shown in **Coleman et al.** with the flashlight apparatus of **Altman et al.** for the purpose and advantage of creating alternate uses for the flashlight apparatus in addition to illuminating surfaces, etc.

12. Regarding Claim 3, **Altman et al.** shows:

- The head member [Figure 1: (16)]

13. **Altman et al.** does not show:

- Wherein the attaching means connects an object to the head member.

14. **Coleman et al.** teaches:

- Wherein the attaching means [Figure 2: (24)] connects an object [Figure 1: (26)] to the head member [Figure 1: (12)].

15. It would have been obvious for one of ordinary skill in the art, at the time of the invention to include attaching means for connecting an attachable object as shown in **Coleman et al.** with the flashlight apparatus of **Altman et al.** for the purpose and advantage of creating alternate uses for the flashlight apparatus in addition to illuminating surfaces, etc.

16. Regarding Claim 5, **Altman et al.** shows:

- The body member [Figure 1: (12)] and the head member [Figure 1: (16)].

17. **Altman et al.** does not show:

- Wherein the attaching means includes operating surfaces on the body member or on the head member and on the attachable and moveable object.

18. **Coleman et al.** teaches:

- Wherein the attaching means [Figure 2: (24)] includes operating surfaces on the body member [Figure 1: (10)] or on the head member [Figure 1: (12)] and on the attachable and moveable object [Figure 1: (26)].

19. It would have been obvious for one of ordinary skill in the art, at the time of the invention to include attaching means for connecting an attachable object as shown in **Coleman et al.** with the flashlight apparatus of **Altman et al.** for the purpose and advantage of creating alternate uses for the flashlight apparatus in addition to illuminating surfaces, etc.

20. Regarding Claims 6 and 19, **Altman et al.** shows:

- Wherein the connecting member includes a plurality of articulated segments [Figure 3: (21)].

21. **Altman et al.** does not show:

- Attaching means for connecting an attachable and movable object to one of the body member or the head member and integrating the object with the body member or the head member.

22. **Coleman et al.** teaches:

- Attaching means [Figure 2: (24)] for connecting an attachable and movable object [Figure 2: (26)] to one of the body member [Figure 1: (10)] or the head member [Figure 1: (12)] and integrating the object [Figure 2: (26)] with the body member [Figure 1: (10)] or the head member [Figure 1: (12)].

23. It would have been obvious for one of ordinary skill in the art, at the time of the invention to include attaching means for connecting an attachable object as shown in **Coleman et al.** with the flashlight apparatus of **Altman et al.** for the purpose and advantage of creating alternate uses for the flashlight apparatus in addition to illuminating surfaces, etc.

24. Regarding Claims 7 and 20, **Altman et al.** shows:

- Wherein the connecting member [Figure 33: (21)] includes a plurality of ball and socket elements [Figure 33: (23) and (25)].

25. **Altman et al.** does not show:

- Attaching means for connecting an attachable and movable object to one of the body member or the head member and integrating the object with the body member or the head member.

26. **Coleman et al.** teaches:

- Attaching means [Figure 2: (24)] for connecting an attachable and movable object [Figure 2: (26)] to one of the body member [Figure 1: (10)] or the head member [Figure 1: (12)] and integrating the object [Figure 2: (26)] with the body member [Figure 1: (10)] or the head member [Figure 1: (12)].

27. It would have been obvious for one of ordinary skill in the art, at the time of the invention to include attaching means for connecting an attachable object as shown in **Coleman et al.** with the flashlight apparatus of **Altman et al.** for the purpose and advantage of creating alternate uses for the flashlight apparatus in addition to illuminating surfaces, etc.

28. Regarding Claims 8 and 21, **Altman et al.** shows:

- Wherein the connecting member [Figure 33: (21)] defines a passageway from one end to another [See Figure 33].

29. **Altman et al.** does not show:

- Attaching means for connecting an attachable and movable object to one of the body member or the head member and integrating the object with the body member or the head member.

30. **Coleman et al.** teaches:

- Attaching means [Figure 2: (24)] for connecting an attachable and movable object [Figure 2: (26)] to one of the body member [Figure 1: (10)] or the head member [Figure 1: (12)] and integrating the object [Figure 2: (26)] with the body member [Figure 1: (10)] or the head member [Figure 1: (12)].

31. It would have been obvious for one of ordinary skill in the art, at the time of the invention to include attaching means for connecting an attachable object as shown in **Coleman et al.** with the flashlight apparatus of **Altman et al.** for the purpose and advantage of creating alternate uses for the flashlight apparatus in addition to illuminating surfaces, etc.

32. Regarding Claims 9 and 22, **Altman et al.** shows:

- Wherein the body member [Figure 1: (12)] includes a housing [Figure 1: (26)] and power generating means [Figure 1: (14)] disposed in the housing [Figure 1: (26)];

- And the connecting member [Figure 3: (21)] includes wiring [Figure 7: (24)] that extends through the passageway to connect the power generating means [Figure 1: (14)] with the light-emitting means [Figure 2: (20)].

33. **Altman et al.** does not show:

- Attaching means for connecting an attachable and movable object to one of the body member or the head member and integrating the object with the body member or the head member.

34. **Coleman et al.** teaches:

- Attaching means [Figure 2: (24)] for connecting an attachable and movable object [Figure 2: (26)] to one of the body member [Figure 1: (10)] or the head member [Figure 1: (12)] and integrating the object [Figure 2: (26)] with the body member [Figure 1: (10)] or the head member [Figure 1: (12)].

35. It would have been obvious for one of ordinary skill in the art, at the time of the invention to include attaching means for connecting an attachable object as shown in **Coleman et al.** with the flashlight apparatus of **Altman et al.** for the purpose and advantage of creating alternate uses for the flashlight apparatus in addition to illuminating surfaces, etc.

36. Regarding Claims 10 and 23, **Altman et al.** shows:

- Wherein the head member [Figure 1: (16)] includes a housing for containing the light-emitting means [Figure 2: (20)], the housing also containing power generating means [Figure 1: (14)] for the light-emitting means [Figure 2: (20)].

37. **Altman et al.** does not show:

- Attaching means for connecting an attachable and movable object to one of the body member or the head member and integrating the object with the body member or the head member.

38. **Coleman et al.** teaches:

- Attaching means [Figure 2: (24)] for connecting an attachable and movable object [Figure 2: (26)] to one of the body member [Figure 1: (10)] or the head member [Figure 1: (12)] and integrating the object [Figure 2: (26)] with the body member [Figure 1: (10)] or the head member [Figure 1: (12)].

39. It would have been obvious for one of ordinary skill in the art, at the time of the invention to include attaching means for connecting an attachable object as shown in **Coleman et al.** with the flashlight apparatus of **Altman et al.** for the purpose and advantage of creating alternate uses for the flashlight apparatus in addition to illuminating surfaces, etc.

40. Regarding Claims 11 and 24, **Altman et al.** shows:

- Wherein the connecting member [Figure 33: (21)] includes a bendable conduit [See column 5 lines 29-32].

41. **Altman et al.** does not show:

- Attaching means for connecting an attachable and movable object to one of the body member or the head member and integrating the object with the body member or the head member.

42. **Coleman et al.** teaches:

- Attaching means [Figure 2: (24)] for connecting an attachable and movable object [Figure 2: (26)] to one of the body member [Figure 1: (10)] or the head member [Figure 1: (12)] and integrating the object [Figure 2: (26)] with the body member [Figure 1: (10)] or the head member [Figure 1: (12)].

43. It would have been obvious for one of ordinary skill in the art, at the time of the invention to include attaching means for connecting an attachable object as shown in **Coleman et al.** with the flashlight apparatus of **Altman et al.** for the purpose and advantage of creating alternate uses for the flashlight apparatus in addition to illuminating surfaces, etc.

44. Regarding Claim 12, **Altman et al.** shows a flashlight apparatus [Figure 1: (10)] comprising:

- A body member [Figure 1: (12)];
- A head member [Figure 1: (16)] including light-emitting means [Figure 2: (20)];
- A connecting member [See Figure 1] for connecting the head member [Figure 1: (16)] to the body member [Figure 1: (12)].

45. **Altman et al.** does not show:

- A moveable object detachably securable to either the body member or the head member.

46. **Coleman et al.** teaches:

- A moveable object [Figure 1: (26)] detachably securable to either the body member [Figure 1: (10)] or the head member [Figure 1: (12)].

47. It would have been obvious for one of ordinary skill in the art, at the time of the invention to include attaching means for connecting an attachable object as shown in **Coleman et al.** with the flashlight apparatus of **Altman et al.** for the purpose and advantage of creating alternate uses for the flashlight apparatus in addition to illuminating surfaces, etc.

48. Regarding Claim 13, **Altman et al.** shows:

- The body member [Figure 1: (12)] and the head member [Figure 1: (16)].

49. **Altman et al.** does not show:

- Wherein the movable object and either the body member or the head member include co-operation means for releasably securing the object to either the body member or the head member.

50. **Coleman et al.** teaches:

- Wherein the movable object [Figure 1: (26)] and either the body member [Figure 1: (10)] or the head member [Figure 1: (12)] include co-operation means [Figure 2: (24)] for releasably securing the object [Figure 1: (26)] to either the body member [Figure 1: (10)] or the head member [Figure 1: (12)].

51. It would have been obvious for one of ordinary skill in the art, at the time of the invention to include attaching means for connecting an attachable object as shown in **Coleman et al.** with the flashlight apparatus of **Altman et al.** for the purpose and advantage of creating alternate uses for the flashlight apparatus in addition to illuminating surfaces, etc.

52. Regarding Claim 17, **Altman et al.** shows:

- The head member [Figure 1: (16)].

53. **Altman et al.** does not show:

- Wherein the co-operating means connects the object to the head member.

54. **Coleman et al.** teaches:

- Wherein the co-operating means [Figure 1: (24)] connects the object [Figure 1: (26)] to the head member [Figure 1: (12)].

55. It would have been obvious for one of ordinary skill in the art, at the time of the invention to include attaching means for connecting an attachable object as shown in **Coleman et al.** with the flashlight apparatus of **Altman et al.** for the purpose and advantage of creating alternate uses for the flashlight apparatus in addition to illuminating surfaces, etc.

56. Regarding Claim 25, **Altman et al.** shows a flashlight apparatus [Figure 1: (10)] comprising:

- A housing [Figure 1: (16)],
- Power means for generating power [Figure 1: (14)],
- Light-emitting means [Figure 2: (20)] for receiving power from the power means and generating light [Figure 1: (14)],
- The power means [Figure 1: (14)] and the light-emitting means [Figure 2: (20)] being disposed in the housing [Figure 1: (16)].

57. **Altman et al.** does not show:

- The apparatus further comprising a moveable object,
- The object and the housing including co-operating means for securing the object to the housing so that the object surrounds a substantial portion of the housing.

58. **Coleman et al.** teaches:

- The apparatus [See Figure 1] further comprising a moveable object [Figure 1: (26)],
- The object [Figure 1: (26)] and the housing [Figure 1: (12)] including co-operating means [Figure 2: (24)] for securing the object [Figure 1: (26)] to the housing [Figure 1: (12)] so that the object [Figure 1: (26)] surrounds a substantial portion of the housing [Figure 1: (12)].

59. It would have been obvious for one of ordinary skill in the art, at the time of the invention to include attaching means for connecting an attachable object as shown in **Coleman et al.** with the flashlight apparatus of **Altman et al.** for the purpose and advantage of creating alternate uses for the flashlight apparatus in addition to illuminating surfaces, etc.

Allowable Subject Matter

60. Claims 2, 4, 14, 16 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

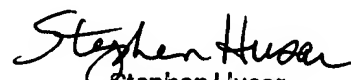
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meghan K. Dunwiddie whose telephone number is (571) 272-8543. The examiner can normally be reached on Monday through Friday 8 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571)272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MKD


Stephen Husar
Primary Examiner